

REMARKS/ARGUMENTS

Claims 1-3 and 8-19 are pending. No claim has been amended, canceled or added.

Applicants thank the Examiner for granting a telephone interview on March 25, 2004. Applicants pointed out that Muramatsu does not disclose or suggest providing a ringing sound using at least two sound sources. Wang also does not disclose generating a ringing sound by combining two or more sound sources. The Examiner stated that he would consider these arguments when they are provided in the response to the Office Action.

Claim 1 is directed to a portable mobile unit capable of alerting on incoming of a signal by a ringing sound. The claim recites, "a ringing sound generator having a plurality of sound sources therewith; a mixer for mixing a plurality of said sound sources; and a controller for controlling operations of said portable mobile unit, wherein said controller controls said ringing sound generator so as to generate the ringing sound using at least two of said sound sources when the signal comes in."

That is, the claimed embodiment relates to generating a new ringing sound by combining at least two sound sources. Accordingly, the portable unit can provide many different ring sounds with a minimum number of sound sources, thereby conserving memory space. Also, many interesting ringing sounds may be created by the user, e.g., a voice notification with a rap music in the background.

Muramatsu discloses neither "a mixer for mixing a plurality of said sound sources" nor "said controller controls said ringing sound generator so as to generate the ringing sound using at least two of said sound sources..."

Wang relates an audio interface garment with a communication interface. An audio mixer 74 is used to mix the audio signals (col. 7:53-54). That is, Wang discloses a garment having electronics to enable a user to listen to music and talk on the phone.

Applicants respectfully note that there is no motivation to combine Muramatsu and Wang. They are directed to different technologies: Muramatsu relates to a cell phone and Wang relates to an audio interface garment.

In addition, Muramatsu does not disclose or suggest a need to generate a ringing sound using a multiple sound sources. Wang similarly does not disclose or suggest a need to generate such a ringing sound. The audio mixer 74 in Wang is used to allow a user to listen to music while using a telephone (see col. 8:18-23). Neither references disclose or suggest a need for generating a ringing sound using a plurality of sound sources. Such a need appears to be provided only in Applicant's specification and claims. Therefore, it would not have been obvious for a person skilled in the art to provide a mixer to generated a ringing sound using at least two sound sources without the benefit of hindsight that has been derived from the present application.

It is well settled law that one cannot use hindsight to reconstruct the claimed invention by picking and choosing features from prior art. "The mere fact that the prior art may be modified in the manner suggested by the Examiner does not make the modification obvious unless the prior art suggested the desirability of the modification...It is impermissible to use the claimed invention as an instruction manual or "template" to piece together the teachings of the prior art so that the claimed invention is rendered obvious. This court has previously stated that "[o]ne cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention.'" *In re Fritch*, 23 USPQ 2d 1780, 1783-84, (Fed. Cir. 1992). Therefore, claim 1 is allowable.

Claim 8 recites, "...said controller controls said ringing sound generator, so as to generate the ringing sound when the signal comes in, by selecting one pattern from said plurality of patterns." Muramatsu, alone or in combination with Wang, does not disclose the above recited features. Claim 8 is allowable.

Claim 16 recites, "...said controller controls said ringing sound generator so as to generate the ringing sound using at least two of said sound generation protocols when the signal comes in." Muramatsu, alone or in combination with Wang, does not disclose the above recited features. Claim 16 is allowable.

Claim 19 recites, "...said controller controls said ringing sound generator so as to generate the ringing sound using at least two of said sound sources when the signal comes in."

Muramatsu, alone or in combination with Wang, does not disclose the above recited features.

Claim 19 is allowable.

Claims 2, 9-10, and 17-18 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu, in view of Wang, and further in view of Hayato. Applicants respectfully traverse the rejection. These claims depend from the independent claims 1, 8, and 16 and are allowable for at least for this reason.

Claim 3 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu, in view of Hayato, and further in view of Yoshino. Claim 3 depend from claim 19 and is allowable at least for this reason.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu, in view of Wang, and further in view of Hoashi. Claim 12 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu, in view of Wang, in view of Kraft, and further in view of Motegi. Claims 13-14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Muramatsu, in view of Wang, and further in view of Kraft. Claims 15 was rejected under 35 U.S.C. § 1103(a) as being unpatentable over Muramatsu, in view of Wang, in view of Kraft, and further in view of Cobb. Applicants respectfully traverse the rejection. These claims depend from claim 19 and is allowable at least for this reason.

Appl. No. 09/755,878
Amdt. dated April 1, 2004
Amendment under 37 CFR 1.116 Expedited Procedure
Examining Group

PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance and an action to that end is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



Steve Y. Cho
Reg. No. 44,612

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 650-326-2400
Fax: 415-576-0300
Attachments
SYC:asb
60115957 v1